

REMARKS

Claims 1-10 are pending. By this Amendment, claims 1, 8 and 9 are amended.  
Reconsideration and allowance based on the following remarks are respectfully requested.

The drawings were objected to. Figures 1, 2, 6 and 7 have been amended to obviate the objection. Reconsideration and withdrawal of the objection are respectfully requested.

Claim 10 was rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph. The rejection is respectfully traversed.

MPEP 2172.01 states: “In addition, a claim which fails to interrelate essential elements of the invention as defined by applicant(s) in the specification may be rejected under 35 U.S.C. 112, second paragraph, for failure to point out and distinctly claim the invention. See *In re Venezia*, 530 F.2d 956, 189 USPQ 149 (CCPA 1976); *In re Collier*, 397 F.2d 1003, 158 USPQ 266 (CCPA 1968).” (Underlining emphasis added.)

MPEP § 2172.01 further states: “But see *Ex parte Nolden*, 149 USPQ 378, 380 (Bd. Pat. App. 1965) (“[I]t is not essential to a patentable combination that there be interdependency between the elements of the claimed device or that all the elements operate concurrently toward the desired result); *Ex parte Huber*, 148 USPQ 447, 448-49 (Bd. Pat. App. 1965) (A claim does not necessarily fail to comply with 35 U.S.C. 112, second paragraph where the various elements do not function simultaneously, are not directly functionally related, do not directly intercooperate, and/or serve independent purposes.).”

As clearly indicated by the MPEP section discussed above, an essential element is one that is defined by Applicant in the specification to be essential. As Applicants have not defined any element, or step, to be essential, the rejection is improper and must be withdrawn.

Moreover, as also clearly indicated in the MPEP section discussed above, a claim is not indefinite under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph simply because the various elements do not function simultaneously, are not directly functionally related, do not directly intercooperate, and/or serve independent purposes. Accordingly, the Examiner’s determination that “it is unclear as to whether one of the steps, individually, is used to calibrate the interferometer, or if both steps, combined, calibrate the interferometer, or if it is another step independent of what has already been claimed,” is incorrect. Claim 10 particularly points out and distinctly claims the subject matter Applicants regard as their invention.

Reconsideration and withdrawal of the rejection of claim 10 are respectfully requested.

Claims 1-9 were rejected under 35 U.S.C. § 102(e) over Hill (U.S. Patent 6,906,784).  
The rejection is respectfully traversed.

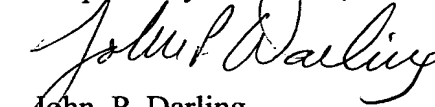
Claims 1, 8 and 9 have been amended to incorporate the subject matter of allowable claim 10. In particular, claims 1, 8 and 9 have been amended to recite that the interferometric displacement measuring system determines displacements as a function of stage-rotation and stage position, and determines interferometer model parameters, including coefficients for terms dependent on a variable representing beamshear of a measurement beam, using a least square fit. Therefore, claims 1, 8 and 9, and dependent claims 2-7 are allowable.

Reconsideration and withdrawal of the rejection of claims 1-9 are respectfully requested.

In view of the above remarks, it is respectfully submitted that all of the claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully Submitted,



John P. Darling

Reg. No. 44,482

Tel. No. (703) 770-7745

Date: September 27, 2006

PILLSBURY WINTHROP SHAW PITTMAN LLP  
P.O. Box 10500  
McLean, VA 22102  
Customer Number: 00909

Tel. No. (703) 770-7900  
Fax No. (703) 770-7901

Attachments: Replacement Sheets (Figures 1, 2, 6 and 7)

IN THE DRAWINGS:

Please replace Figures 1, 2, 6 and 7 with the attached replacements sheets of such figures.